

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CENTRAL DIVISION**

DARWIN WALDEN,

Plaintiff,

vs.

CORNELL SMITH, MARY DICK,  
DUSTIN LUTGEN and TOM CONLEY,

Defendants.

No. 09-CV-3038-LRR

**ORDER**

The matter before the court is the Motion for Summary Judgment (“Motion”) (docket no. 27) filed by Defendants Cornell Smith, Mary Dick, Dustin Lutgen and Tom Conley. The Motion asks the court to dismiss Plaintiff Darwin Walden’s Amended Complaint (docket no. 25). In the Amended Complaint, Plaintiff alleges that Defendants violated Plaintiff’s right to free exercise of religion in violation of the First Amendment. Defendants argue that the undisputed material facts demonstrate that they did not infringe on Plaintiff’s right to free exercise of religion.

The parties are **DIRECTED** to file supplemental briefing and evidence related to the portion of Plaintiff’s claim which alleges that Defendants violated his First Amendment rights by preventing him from attending the communal Friday prayer during Ramadan.<sup>1</sup> Specifically, the parties’ briefing should address and analyze the factors in *Turner v. Safley*, 482 U.S. 78, 81 (1987). In addition to any other evidence helpful to the court on this issue, Defendants should attach the policy related to the Fort Dodge Correctional Institution’s level incentive program that was applicable at the time Plaintiff accrued his

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<sup>1</sup> Defendants need not submit any supplemental briefing or evidence related to Plaintiff’s claim that he was denied his right to *daily* communal prayer during Ramadan—only the Friday communal prayer.

First Amendment claim.

Defendants shall file their supplemental briefing on or before **5:00 p.m. on July 23, 2010**. Plaintiff may file supplemental briefing in response to Defendants' submission on or before **5:00 p.m. on August 6, 2010**.

**IT IS SO ORDERED.**

**DATED** this 15th day of July, 2010.



LINDA R. READE  
CHIEF JUDGE, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA